

METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

July 11, 2024

Case Number: 2024-CAP-822 / 2024-CVR-822 (Amended)

Property Address: 1351 Roosevelt Avenue

Location: Center Township, Council District #13

Petitioner: Penn Electric Partners LLC, by Brent Roberts

Current Zoning:

C-S (FF)

Modification of the Commitments for 2022-ZON-115 to Modify Commitment #3 to provide for the addition of building signage, roof sign, and architectural

Request: canopies, which shall be submitted for Administrator's Approval prior to the

issuance of Class 1 Structural Permit, which approval shall not be unreasonably

withheld..

Current Land Use: Mixed-Use

Staff

Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged withdrawal of the variance of the proposed roof sign and continued the approval petition from the June 27, 2024 hearing, to the July 11, 2024 hearing, to provide time for further discussions related to the canopies and building signage.

Updated documents were provided by the petitioner's representative at the June 27, 2024 hearing. A meeting to discuss the changes has been scheduled prior to the upcoming hearing that includes the petitioner's representative, City Architect and planning staff. Updates will be provided at the hearing.

The Hearing Examiner continued these petitions from the June 13, 2024 hearing, to the June 27, 2024 hearing, at the request of the neighborhood organization.

STAFF RECOMMENDATION

Denial. If approved, staff requests that approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final site plan and elevations, including signage and canopies, shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).



2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

Modification

Petition 2022-ZON-115 rezoned this 2.26-acre site to the C-S district to provide for a mixed-use development with retail, office, and restaurant / outdoor seating uses. This request would modify commitments related to this rezoning request to modify Commitment #3 to provide for the addition of building signage, roof sign and architectural canopies. See Exhibit A.

The proposed commitment would read: "The existing building located at 1351 Roosevelt Avenue shall be preserved, to the extent possible, and shall not be demolished. Addition of building signage, roof sign, and architectural canopies shall be submitted for Administrator Approval prior to issuance of Class 1 Structural Permit, which approval shall not be unreasonably withheld."

The agreed upon commitment associated with the 2022 rezoning was requested by staff because of the historical architecture and significance of this building. Staff believed that preserving this historical building would complement the adjacent historically preserved building to the east and maintain the historical integrity of this industrial / commercial corridor currently undergoing redevelopment.

As proposed, the sign and scaffold structure extending 16.5 feet above the existing one-story historical building would be out of scale and visually dominate the historical architecture.

Furthermore, allowing a roof sign at this location would establish a precedent that could result in a level of light pollution that would interrupt an equitable opportunity for effective communication within this corridor.

The proposed canopies would further compromise the historical architecture of the existing building. The combination of the roof sign and canopies would result in the loss of the historical integrity of the existing building and would be incompatible with the surrounding land uses, particularly the adjacent building to the east that has been redeveloped to maintain the historical architecture. Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.



Environmental public nuisance means:

- 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
- 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
- 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
- 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptables for proper disposal of trash and other waste.

Variance of Use

The request would provide for a 26-foot long, 8.5-foot-tall roof sign, supported by a 23.2-foot long, 15.9-foot-tall scaffold structure. The Sign Regulations are "intended to facilitate an easy and agreeable communication between people and to balance the interests and objectives of the sign owner and the community audience."

Staff understands that signs serve an important function and believes that reasonable and adequate display is permitted under the Sign Regulations. The Ordinance also defines the purpose of the Sign Regulations by providing a list of attributes, most of which would be compromised and diluted by the proposed roof sign.

Staff believes that the proposed roof sign would potentially increase hazards to motorists and pedestrians, limit an equitable opportunity for effective communication, cause excessive and confusing sign display, and dominate the scale of the one-story historic structure and surrounding land uses.

Staff is concerned that approval of the roof sign would also increase the possibility of future requests for roof signs in this area, as well as throughout the City, which would conflict with the purpose of the Sign Regulations related to excessive signage and negatively impact long-term vitality and overall quality of life in the City.



Furthermore, the Comprehensive Plan recommendation of village mixed-use typology encourages "neighborhood gathering places" that are small, intimate, and walkable. The Findings of Fact indicate that visibility of the site / business is limited, and the proposed sign is necessary to attract customers from a larger area and outside of the immediate area, which would defeat the Plan recommendation.

Staff believes the current Sign Regulations would provide appropriate visibility and would not result in an unusual and unnecessary hardship for this site.

GENERAL INFORMATION

Existing Zoning	C-S				
Existing Land Use	Mixed-Use				
Comprehensive Plan	Village Mixed-Use				
Surrounding Context	Zoning	Land Use			
North:		Vacant land			
South:	C-S	Industrial uses			
East:	C-S	Commercial uses			
West:	I-4 Industrial uses				
Thoroughfare Plan					
Roosevelt Avenue	Local Street	Existing 62-foot right-of-way and a proposed 40-foot right-of-way.			
Context Area	Compact				
Floodway / Floodway Fringe	Yes – 500-year unregulated				
Overlay	No				
Wellfield Protection Area	No				
Site Plan	May 10, 2024				
Site Plan (Amended)	N/A				
Elevations	February 23, 2024				
Elevations (Amended)	N/A				
Landscape Plan	N/A				
Findings of Fact	May 10, 2024				
Findings of Fact (Amended)	N/A				
C-S/D-P Statement	N/A				

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends village mixed-use typology. "The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre."

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- Conditions for All Land Use Types –Village Mixed-Use Typology
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cutthroughs for longer blocks, are encouraged.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.



Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - o Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - o Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database



ZONING HISTORY

2022-ZON-115; **1255** and **1351** Roosevelt Avenue, requested rezoning of 2.26 acres from the I-4 district to the C-S district to provide for a mixed-use development with retail, office, and restaurant uses (including outdoor seating), **approved.**

VICINITY

2023-ZON-082; **1102-1138 Roosevelt Avenue** (**west of site**), requested Rezoning of 6.60 acres from the I-4 district to the C-S district to provide for a mixed-use development including multi-family dwellings, neighborhood retail uses and a parking garage, **approved**.

2019-CZN-859 / 2019-CVR-859 / 2019-CVC-859 (east of site); 1328, 1336, 1340, 1402, 1406, 1409, 1411, 1430, 1436, 1443 and 1446 Roosevelt Avenue; 1402, 1406,1410, 1414, 1420, 1422, 1423, 1427, 1431 and 1435 Dr. A J Brown Avenue; 1406 and 1410 Arsenal Avenue; 1420 Newman Avenue, requested rezoning of six acres from the D-8, C-3 and C-S district to the C-S district to provide for a mixed-use development with retail, office, indoor recreation, restaurant and/or industrial uses permitted by the I-1 and I-2 districts; variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 254 parking spaces (including 54, eight by 16-foot small car spaces); and vacation of a portion of Dr. A J Brown Avenue, being 60 feet wide, from the southeast corner of Lot 36 of Ingram Fletchers Addition, being the north right-of-way line of Roosevelt Avenue, 247.37 feet to the northeast corner of Lot 30 of said Addition being the south right-of-way line of Interstate 70, and a vacation of a portion of a north-south alley, being 15 feet wide, from the southeast corner of Lot 39 of said Addition, being the north right-of-way line of Roosevelt Avenue, to a point 170.42 at the northeast corner of Lot 43, being the south right-of-way line of Interstate 70, both with a waiver of the assessment of benefits approved, granted and approved.

2018-CZN-802 / 2018-CVR-802; 1302 and 1320 Columbia Avenue (west of site), requested rezoning of 0.81 acre from the D-8 and C-3 districts to the I-4 classification and variances of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing building and provide for a proposed building, parking and outdoor storage, with zero-foot front and side transitional yards without landscaping and front and side yards without landscaping, approved and granted.

2017-CZN-843 / 2017-CVC-843; 1402, 1406, 1409, 1411, 1430, 1436, 1443 and 1446 Roosevelt Avenue 1423 and 1427 Dr. A.J. Brown Avenue and 1420 Newman Street (east of site), requested rezoning of 4.14 acres from the I-4 and C-3 Districts to the C-S classification to provide for a mixed-use development, including office, light industrial, restaurant, charter school and/or recreational uses; and vacation of Vacation of first alley south of Roosevelt Avenue, being 15 feet wide, from the west right-of-way line of Newman Street, to a point 360 feet to the southwest at the east right-of-way line of Dr. A.J. Brown Avenue and Vacation of Dr. AJ Brown Avenue, being 60 feet wide, from the south right-of-way line of Roosevelt Avenue, to a point 178.6 feet south to the northwest, approved.



2016-VAC-004; **1211 Roosevelt Avenue (west of site)**, requested vacation of a 16-foot wide alley, beginning at the northwest corner of Lot One of Ingram Fletcher's Subdivision of Block 3 in E.T. and S.K. Fletcher's Addition to the City of Indianapolis, as recorded in Plat Book 3, Page 115 in the Office of the Recorder of Marion County, Indiana, also being at the south right-of-way line of Roosevelt Avenue; thence 140 feet to the southwest corner of said Lot One, also being at the north right-of-way line of the CCC and St. Louis Railroad, with a waiver of the assessment of benefits, **approved.**

2012-SE3-001; **1256 Roosevelt Avenue (north of site),** requested a special exception of the Industrial Zoning Ordinance to provide for a wrecker service / impound lot, with the storage of inoperable vehicles and a variance of development standards of the Industrial Zoning Ordinance to legally establish a 12-foot-tall concrete block wall in the required front yard, **granted.**

2002-ZON-109; **1317 Columbia Avenue (south of site)**, requested rezoning of 0.15 acre from D-8 to the C-3 to provide for commercial development, **approved**.

98-SE1-3; **1102** Roosevelt Avenue (west of site), requested a special exception of the Industrial Zoning Ordinance to provide for 36,000 square feet of an existing 151,945 square foot building to be utilized for commercial office use, **granted**.

96-HOV-45; **1203 Roosevelt Avenue (west of site),** requested a variance of development standards of the Industrial Zoning Ordinance to provide for an armored car facility with zero feet of public street frontage and a zero-foot side yard setback along the north and south property line, **granted.**

89-HOV-97; **1125 Brookside Avenue (south of site,** requested a variance of development standards of the Industrial Zoning Ordinance to permit the addition of a new loading dock area to an existing factory / warehouse within the required front yard, without the required maneuvering area and with a 100 feet wide drive, **granted.**

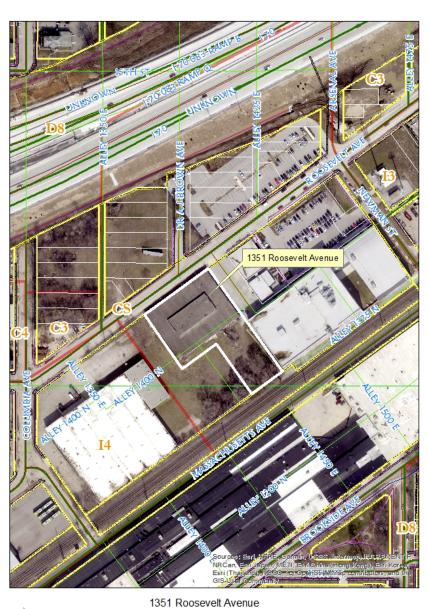
89-UV3-51; **969 Dorman Street (south of site)**, requested a variance of use of the Industrial Zoning Ordinance to permit outdoor storage and incidental maintenance of school buses, **granted**.

81-VAC-5, Vacation of parts of Roosevelt Avenue and Yandes Street, approved.

84-VAC-18, Vacation of parts of Lewis Street, approved.



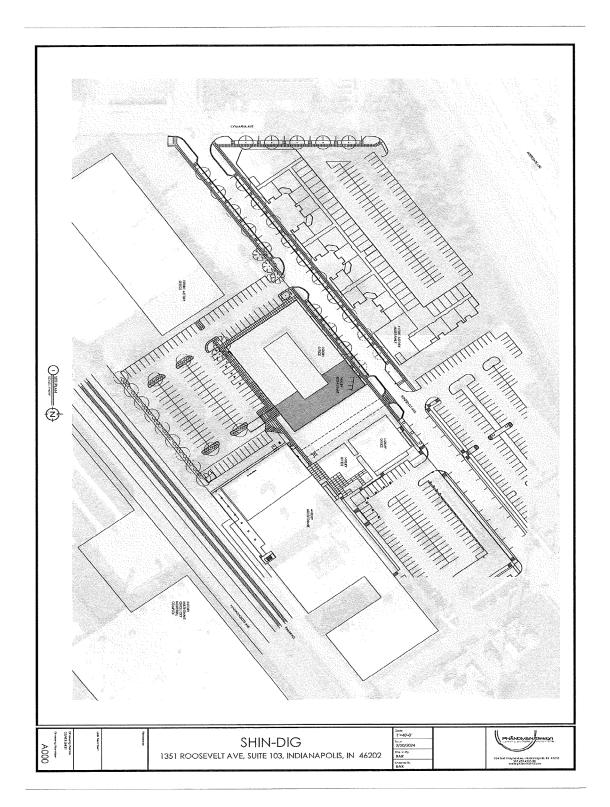
EXHIBITS

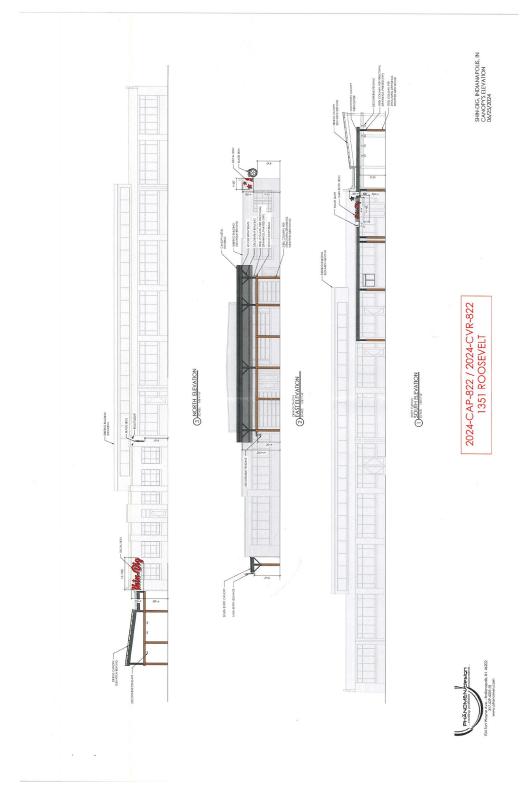






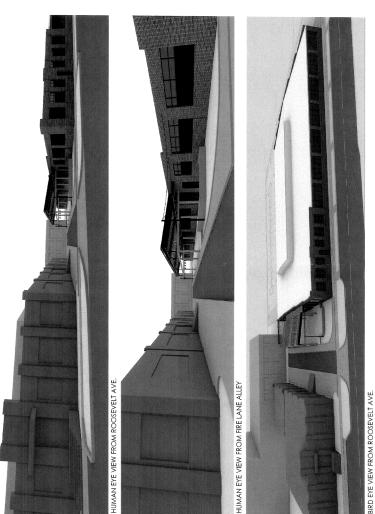








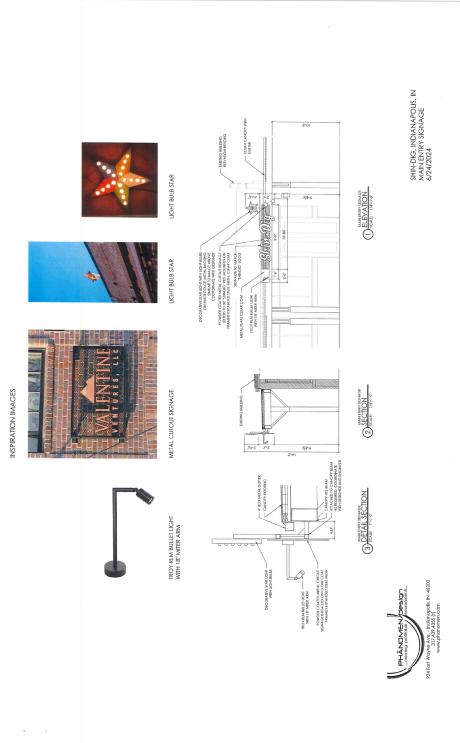
Updated Documents June 27, 2024



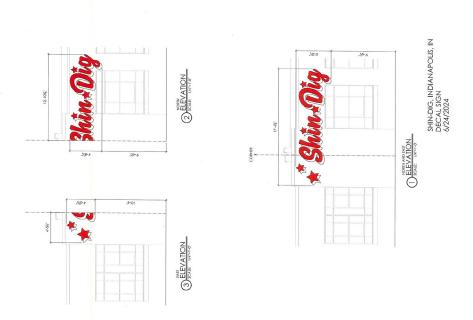
SHIN-DIG, INDIANAPOLIS, IN PATIO PERSPECTIVES 6/26/2024







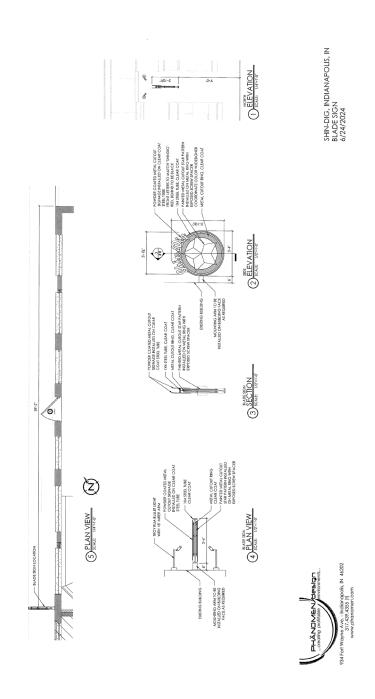




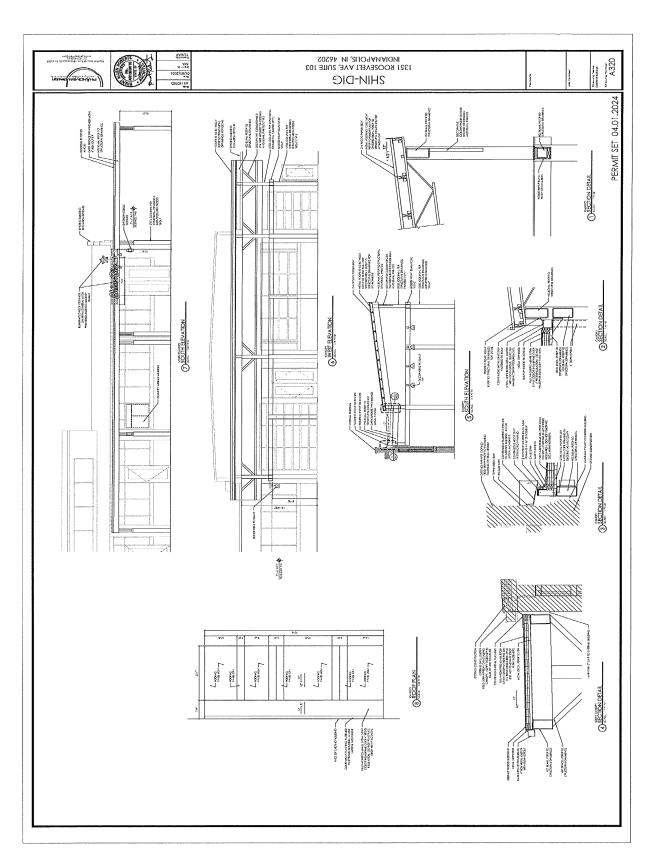




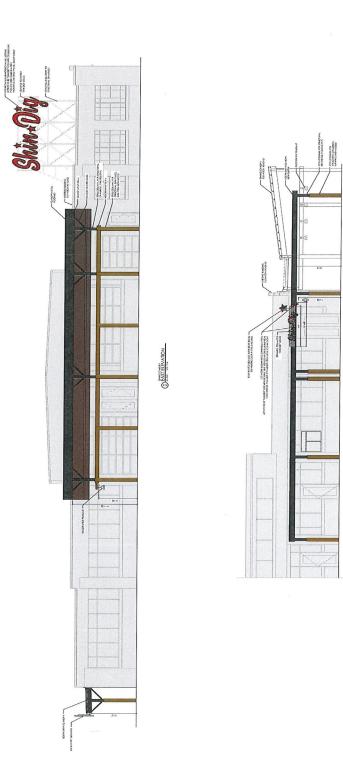


















SHIN-DIG, INDIANAPOLIS, IN MAIN ENTRY SIGNAGE 4/9/2024





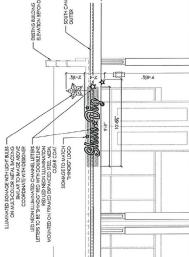
ILLUMINATED SIGNAGE WITH LIGHT BULBS

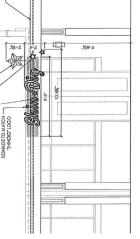


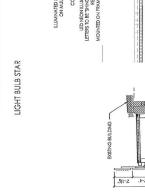


LIGHT BULB STAR

LED NEON WITH CHANNEL LETTER SIGNAGE





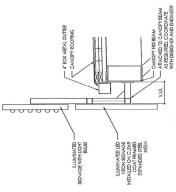








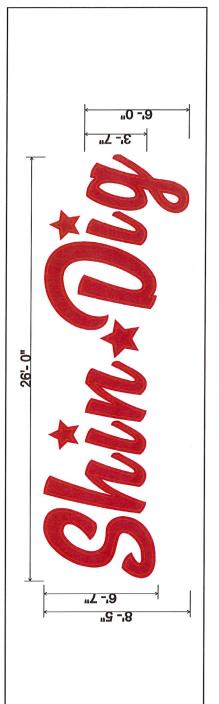






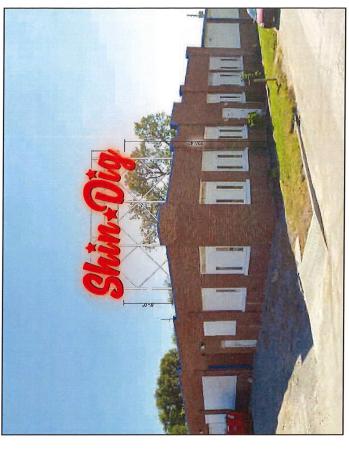
INSPIRATION IMAGES





1. FABRICATE AND INSTALL ONE SET OF ROOF MOUNTED ILLUMINATING CHANNEL LETTERS. 2. LETTERS TO BE RED WITH RED FAUX NEON ILLUMINATION.

SPECIFICATIONS:



A SIGN BY DESIGN IS NOT RESPONSIBLE FOR RUNNING THE MAIN ELECTRICAL LINETO THE SIGN. A SIGN BY DESIGN WILL CONNECT TO ELECTRICAL IF IT IS LOCATED WITHIN S'OF THE INSTALLED SIGNAGE. 4725 W. 106th St. Zionsville, IN 46077 PHONE: 317-876-7900 FAX: 317-802-5670 www.asignbydesign.com EMAIL: sbd@asignbydesign.co FILE LOCATION
NOV-2022 THE BLUE CHIP PRODUCTION FILE
SHINDIG-BLDLET10.FS SHINDIG-BLDLET10.PDF INDIANAPOLIS, IN. THE SHIN DIG 1/16/2023

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EXHIBIT A



A202200134328

12/21/2022 11:00 AM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 9
By: DG

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See attached Exhibit 1.

Statement of COMMITMENTS:

- The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity
 Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
- Building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP), which approval shall not be unreasonably withheld.
- 3. The existing building located at 1351 Roosevelt Avenue shall be preserved, to the extent possible, and shall not be demolished.
 4.
 5.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS

MDC's Exhibit B -- page I of 9



	e modified or terminated by a decision of the Metropolitan Development Commission made at a public g after proper notice has been given.				
COM	MITMENTS contained in this instrument shall be effective upon:				
(a)	the adoption of rezoning petition # <u>2022-ZON-115</u> by the City-County Council changing the zoning classification of the real estate from a <u>I-4</u> zoning classification to a <u>C-S</u> zoning classification; or				
(b)	the adoption of approval petition # by the Metropolitan Development Commission;				
and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the $\underline{C-S}$ zoning classification or until such other time as may be specified herein.					
These	COMMITMENTS may be enforced jointly or severally by:				
1.	The Metropolitan Development Commission;				
	Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);				
3.	Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and				
4.	·				
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to reco	ndersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development ord this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of n #2022-ZON-115.				

MDC's Exhibit B - - page 2 of 9



Petition Number _____

	OPOLITAN DEVELO HEARING EX TAN BOARD OF ZON OF MARION (AMINER	ivision
	PETITION FOR	VARIANCE OF US	E
	FINDING	GS OF FACT	
GENERAL WELFARE OF The petitioner's proposed ro bounded by Interstate I-70. signs were more commonly a attribute to the surroundings 2. THE USE AND VALUE VARIANCE WILL NOT BE North Mass District is a rede housing, and restaurant uses	THE COMMUNITY BI of sign is positioned to t The roof sign design hig sed. Recent roof signs i (i.e. three new roof sign OF THE AREA ADJA AFFECTED IN A SUI velopment of several bu to a previously light ind he area due to the inters	ECAUSE the northeast toward a chlights the historic qu in the city have shown as at BottleWorks Dis CENT TO THE PRO BISTANTIALLY ADV ildings along Rooseve lustrial area. The accestate and railroad on e	parking lot across the street which is parking lot across the street which is pality of the 1930's building when roof a they can be well-designed and an trict, originally built in 1930's). OPERTY INCLUDED IN THE PERSE MANNER BECAUSE Let Ave and introduces office, multifamilies to North Mass District is limited to either side. The sign will help to attract
railroad on either side. The botherwise. The roof sign descommonly used. 4. THE STRICT APPLICA	ECAUSE strict is limited to the no building is one story am ign highlights the histor	orth and south ends or ong several taller stru- ic quality of the 1930'.	f the area due to the interstate and ctures and wouldn't be easily seen s building when roof signs were more ORDINANCE CONSTITUTES
THE VARIANCE IS SOUG The access to North Mass Dis railroad on either side. The b	HT BECAUSE trict is limited to the no uilding is one story amo	orth and south ends of ong several taller struc	THE PROPERTY FOR WHICH The area due to the interstate and stures and wouldn't be easily seen listrict and will help ensure its viability.
BECAUSE While the Comprehensive Pl with other portions of the Co design and impact on an area	an does not permit roof omprehensive Plan. The a. The roof sign highligi Recent roof signs in the new roof signs at BottleV	f signs, granting a root e variance process allo hts the historic quality city have shown they	THE COMPREHENSIVE PLAN If sign in this case would not interfere the sign in the thorough review of roof sign of the 1930's building when roof signs can be well-designed and an attribute to ally built in 1930's).
IT IS THEREFORE the dec	ision of this body that	•	tition is APPROVED.





View looking west along Roosevelt Avenue



View looking east along Roosevelt Avenue





View of eastern portion of site looking south across Roosevelt Avenue



View of site looking south across Roosevelt Avenue





View of site looking southeast across Roosevelt Avenue



View of site looking southwest across Roosevelt Avenue





View of site looking southeast across Roosevelt Avenue



View from site looking northwest towards Interstate 70





View from site looking north toward Interstate 70



View of western portion of site looking south across Roosevelt Avenue





View of the rear of site looking north



View of the rear of site looking northeast





View of the rear of the site looking east